Lorenz Nowack, et ux

\* OF BALTIMORE COUNTY \* Case No. 94-118-A 3rd Councilmanic District

Petitioners 

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Lorenz F. Nowack and Helen J. Nowack, his wife, for that property known as 13 Prettyboy Garth located in the Prettyboy Garth subdivision of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached shed and carport) to be located in the front/side yard of the property in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

EXAMPLE 3 - Zoning Description - 3 copies

print on  $8-1/\pi^n \times 11^n$  sheet.

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or

ZON THE OLD CRIPTION FOR 13 PRETTYBOY GARTH

(address)

Election District 7 Councilmanic District 3

Beginning at a point on the South side of (north, south, east or west)

wide at a distance of 50' Sourm of the (number of feet) (north, south, east or west)

Block \_\_\_\_\_, Section # 1 - PLATT Z in the subdivision of

Book # 42 , Folio # 98 , containing

PRETTYBOY GARTH which is (number of feet of right-of way width)

centerline of the nearest improved intersecting street PRETTYBLY GARTH (name of street)

PRETTY BOY GARTH as recorded in Baltimore County Plat (name of subdivision)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed

Liber \_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the

which is 50 Radius wide. \*Being Lot # 12 , (number of feet of right-of-way width)

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10 day of November, 1993 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached shed and carport) to be located in the front/side yard of the property, in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated November 8, 1993, attached hereto and made a part thereof.

> ZONING COMMISSIONER FOR BALTIMORE COUNTY

	70R	CERTIFICATE OF PO ING DEPARTMENT OF BALTIA Towner, Maryland	STING MORE COUNTY 94	- 118-A
	District Various		Date of Posting	9/19/93
	Petitioner: 187072  Location of property: 13  Location of Signe: 601	rotty boy borth, 5	***	<u> </u>
6	Remarks:			
entered and the second and the secon	· · · · · · · · · · · · · · · · · · ·			
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##E #	The same state of the second	And the state of t	a Mundi n <u>ap</u> e.	
<u>- 28</u>	and the second s			
		99		

	the property lo	oated at	13 Prettyboy Garth, Parkton, MD 21120
4-1	18-H		which is presently zoned RC4
The underslaned, les	p filed with the Office of Zen gal owner(s) of the property s art hereof, hereby petition for	ituate in Baltimo	ition & Development Management.  ore County and which is described in the description and plat attached  section(s)
and carp	400.1 (BCZR) ort) to be locathe required re	ated in	accessory structures (detached shed the front/sidewof the property in yard
of the Zoning Regulat practical difficulty)	tions of Baltimore County, to t	he Zoning Law	of Baltimore County; for the following reasons: (Indicate hardship or
	. I want to combine		nd would mean extra cost & work to build on of shed and carport into one unit using
I or we seree to pay	v expenses of above Variance	advertising, po	ed by Zoning Regulations.  Desting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zoning Law for Baitimore County.
			VWe do sciamnly declare and affirm, under the panalities of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition.
Contract Purchaser/Lessee:			LORENZ F. NOWACK
Type or Print Name)			(Type or Print Name)
lignature			Heter V. Nowack
			Helen husch
ddress			<u> </u>
\ddress	State	Zipcode	Bignature
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lity Alterney (or Petitioner: Type or Print Name)	State	Zipcode	19 PRETTY GUY GARTE 343-1125 Addissa Phone No.
illy Morney for Palitioner:	Rtate  Phone No.	Zipcode	19 PRETTY BUY GARTH 343-1125  Redissa Phore No.  PARKTON My 31120  City State Epochs
illy literney for Petitioner: Type or Print Name) lignature		Zipoode	Address Phone No.  PARK TOW Glate  City State Name, Address and phone number of representative to be centested.
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Petition for Administrative Variance

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjusy to the Zening Commissioner of Bultimore County, as follows:

That the information herein given is within the personal horning of the Affact(s) and that Affact(s) testify thereto in the event that a public hearing is acheduled in the filling with require that a public hearing is acheduled in the filling with required.

That the Affact(s) departs accounts senate ad 3 Profit/DOV

That besed upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address andress surgery or present difficulty

I want to build a combination carport/storage shed incorporating the present parking pad. The location of the construction is forward of the backline of the house in addition to wanting to build using the existing parking pad, if I were to put the building behind the backline of the house, I would be getting onto very steep grade and uncleared land, which would add to the difficulty and cost of construction. Because of size of lots and distance between houses, my neighbor does not object to location of proposed building. (Actually, by building behind beckline of house I would be putting the construction closer to his house.)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a repeating and advertising fee and

, 19 2. televe me, a Nesary Public of the State

the Afflants(s) herein, personally known or satisfactorily identified to me as such Affianti(s), and made cash in due form of type

that the matters and facts hereinshove set forth are true and correct to the best of his/her/their boowledge and being AS WITNESS my hand and Notarial Seal. 8/21/03

(410) 887-3353

Maryland Department of Transportation State Highway Administration

O James Lighthizer Hal Kassoff

9-22-43

Ms. Charlotte Minton Zoning Administration and **Development Management** County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Re: BALTO. CO.
Item No.: \* 107 (JRF)

Baitimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue Towson, MD 21204

October 6, 1993

Mr. and Mrs. Lorens F. Nowack 13 Prettyboy Garth Perkton, Maryland 21120

> RE: Case No. 94-118-A, Item No. 127 Petitioner: Lorenz F. Nowack, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Nowack:

on this case.

The Zoning Plans Advisory Committee (SAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the soning action requested, but to assure that all parties, i.e., soning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing

Enclosed are all comments submitted thus far from the members of SAC that offer or request information on your patition. If additional gomments are received from other members of SAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This patition was accepted for filing on September 16, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filling of future sening petitions and are simed at expediting the petition filing present with this office.

1. The director of Boning Administration and Davelopment Management has instituted a system whoreby sensoned soming attenues who feel that they are dipable of filing petitions that comply with all aspects of the saming requisions and petitions filing requirements don file that? politions with this office without the assessing of a populationy review by saming personnel.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

196.934. 76 sq4: 4.521 acres.

correct location.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 30, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Moning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 97, 106, 117, 118, 120, 124, 126, 127 and 128.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.97/PZONE/ZAC1

## BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

Mr. Lawrence Schmidt Zoning Commissioner

DATE: November 8, 1993

SUBJECT: Petition for Administrative Variance Case No. 94-118-A Property: 13 Prettyboy Garth

Mr. Lorenz Nowack, owner of the subject property met with Mr. Thomas Ernst, supervisor of the water well construction program of this Department. to discuss what could be done to find a solution to the concerns raised about the minimum distance between the proposed structure and an existing

Mr. Nowack has proposed construction of a pole frame structure. The pole structure along with the use of pressure treated wood in contact with the soil, will eliminate the future need for termite treatment. A variance from the minimum well to structure distance can thus be granted.

Mr. Ernst has already approved Mr. Nowack's Building Permit Application for this Department pending your approval.

If you have any questions, please contact Mr. Ernst at extension 2762.

JLP:TE:sp

SCHMIDT/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

October 5, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson

Development Coordinator, DEPRM

SUBJECT: Zoning Item #127 - Nowack Property 13 Prettyboy Garth Zoning Advisory Committee Meeting of September 27, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The proposed structure is within the required 30' minimum offset from structures to the existing well. (Code of Maryland Regulations [COMAR] 26.04.04.05). Therefore, this office recommends Disapproval of the petition for Administrative Variance.

JLP:TE:sp

NOWACK/DEPRM/TXTSBP

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

October 20, 1993

(410) 887-4386

Mr. and Mrs. Lorenz F. Nowack 13 Prettyboy Garth Parkton, Maryland 21120

> RE: Petition for Administrative Variance Case No. 94-118-A Property: 13 Prettyboy Garth

Dear Mr. and Mrs. Nowack:

Reference is made to your request for an administrative variance for the property located at 13 Prettyboy Garth. You request a variance from Section 400.1 of the Baltimore County Zoning Regulations to allow accessory structures to be located in the front/side yard of the property in lieu of the required rear yard. Notice of the Petition has been properly posted on the property and the matter is ready for decision. There has been no request for a public hearing.

As you may be aware, each Petition for Administrative Variance is circulated among the various agencies of Baltimore County for review and comment. Your Petition has received a negative comment from the Department of Environmental Protection and Resource Management (DEPRM). A copy of that comment is attached hereto. Essentially, the Department recommends denial of the variance because the proposed structure is within the required 30 ft. minimum offset distance from the existing well.

Prior to rendering a decision on this variance, I respectfully suggest that you contact Mr. Pilson at DEPRM to determine whether his agency's objections can be resolved. Perhaps some resolution of the objection can be reached by relocation of the proposed improvements. In any event, I will hold the file in abeyance until I hear further from you regarding this matter. If you are unable to reach any resolution of this issue with DEPRM, I will decide the variance based upon the information in the file.

att.

Zoning Commissioner

Baltimore County Government

Office of Zoning Administration

and Development Management

Baltimore County Government

1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved

road in accordance with Baltimore County Standards as

Sprinklers shall be installed in accordance with MD State Code,

Location: NE/S Stemmers Run Road & #613 (Norris Lane - Kenwood's)

published by the Department of Public Works.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan

RE: Property Owner: Melvin Gladney and Parmie Gladney

RE: Property Owner: William Hirshfeld and Loretta Hirshfeld

SEPTEMBER 28, 1993

(410) 887-3610

Department of Permits and Licenses

111 West Chesapeake Avenue

Zoning Administration and

Baltimore County Office Building

RE: Property Owner: Clarence Cox

Item No.: +113(MJK)

Item No.: + 118 (PT)

State Bill #658.

No Comments.

No Comments.

No Comments.

No Comments.

No Comments.

Printed with Soybean Ink on Recycled Paper

Ttem No.: \*119 (RT)

Item No.: + 120 (JCM)

Item No.: 121 (JCM)

Item No.: 124 (JLL)

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

Location: #2929 Eastern Boulevard

RE: Property Owner: Jacqueline Lois LeConte

Location: #3 St. Timothy's Lane

Location: #4342 Penn Avenue

RE: Property Owner: Dorothy M. Beaman Location: #1402 Edmondson Avenue

Location: #6734 Dogwood Road

RE: Property Owner: Sandra Andrejak

Item No.: +122 (WCR) & 123 (WCR)

Location: #15 Merry Hill Court

Development Management

No Comments.

Towson, MD 21204

Arnold Jablon

Towson, MD 21204

Director

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Lorenz and Helen Nowack 13 Prettyboy Garth Parkton, Maryland 21120

CASE NUMBER: 94-118-A (Item 127) S/S Prettylog Garth, 50' S of c/1 street 50' radius of Prettylog Garth 7th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 3, 1993 . The closing date (October 18, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) damand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

RE: Property Owner: Harry Lichtman Location: #2708 16 Old North Point Bouleval Item No.: +125 (HDR) No Comments.

RE: Property Owner: Lawrence Walter Krastel and Jane Cecelia Frastel Location: #13014 Gent Road Item No.: \*126 (JLL) No Comments.

RE: Property Owner: Lorenz F. Nowack and Helen J. Nowack Location: #13 Prettyboy Garth Item No.: \*127 (JRP) No Comments.

RE: Property Owner: Denise Gulino & Pobert Gulino Location: \$9544 Hickory Falls Way Item No.: 128 (JRF) No Comments.

RE: Property Owner: W. Curtis Pussell and Sarah B. Pussell Location: #333 West Seminary Avenue Item No.: \*129 (JJS) No Comments.

Pursuant to your request, the referenced properties have been surveyed by this Bureau and the comments above are applicable and required to be corrected or incorporated into the final plans for the property.

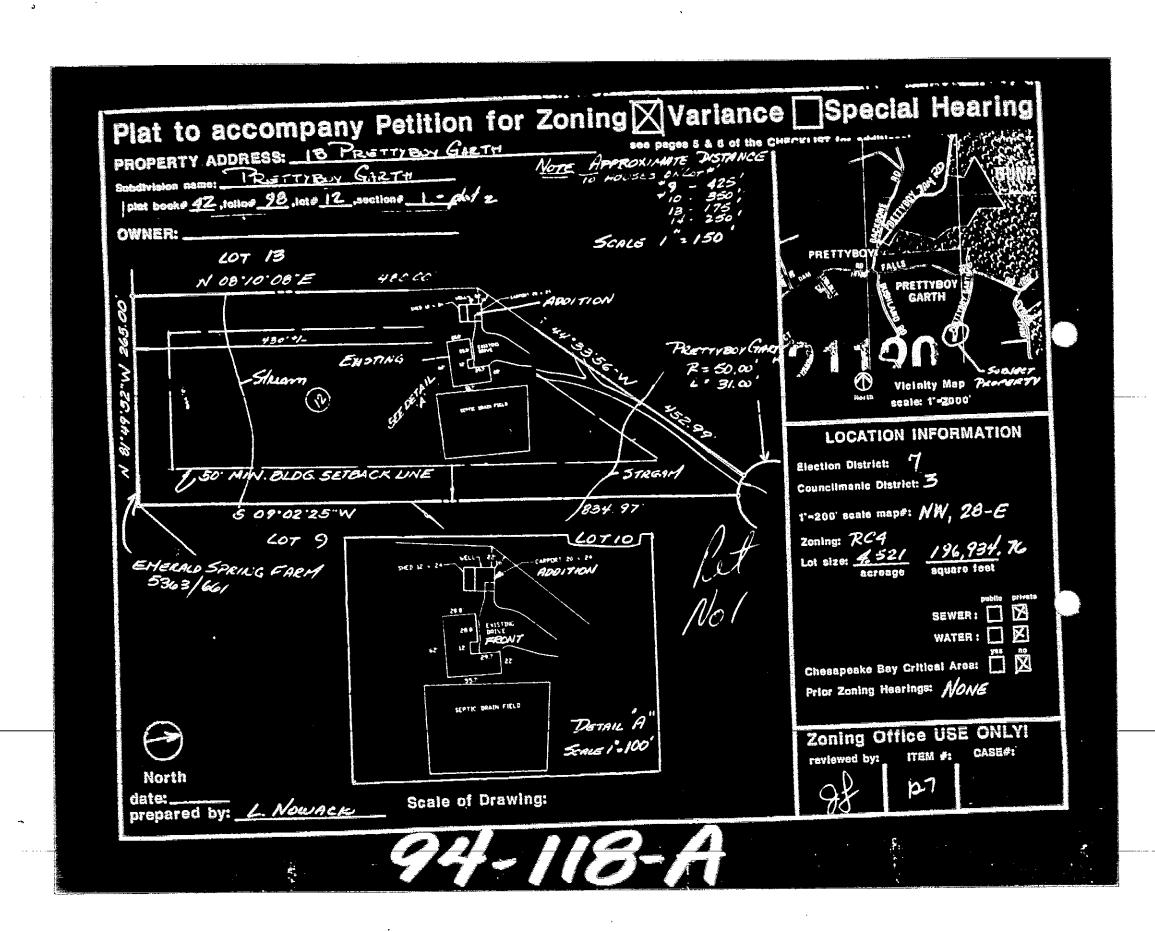
Fire Prevention Bureau Robert P. Sauerwald (4880)

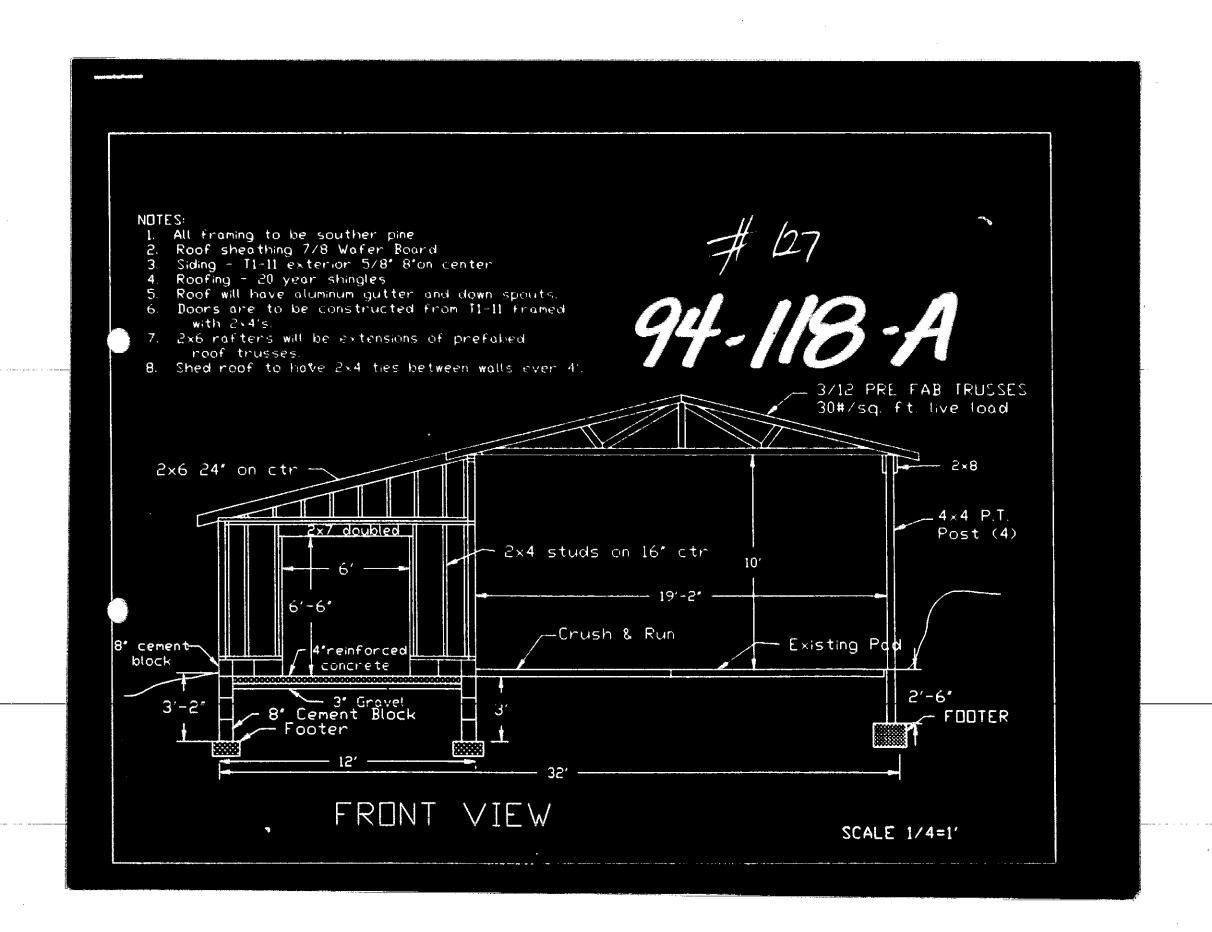
RPS/kekh

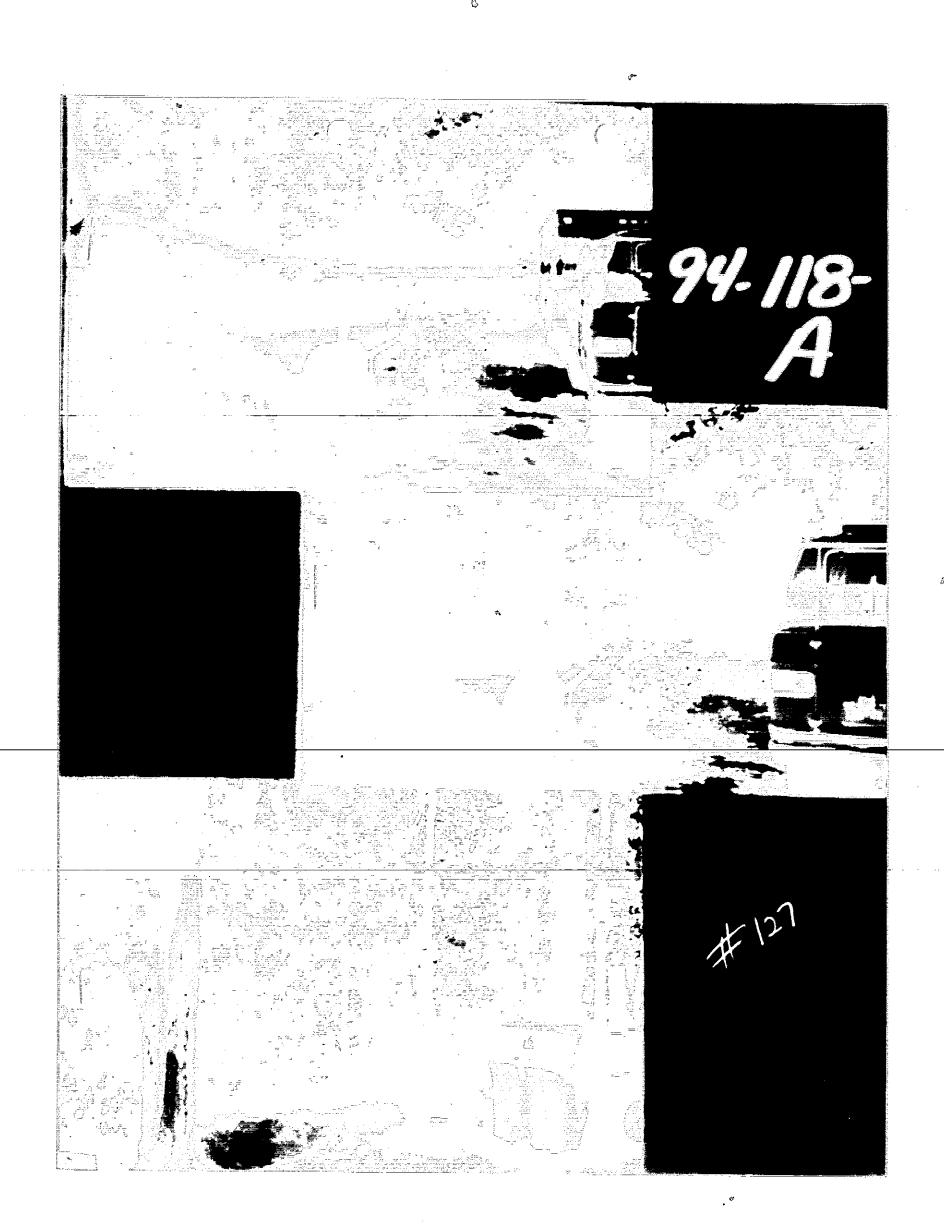
To whom it may concern.

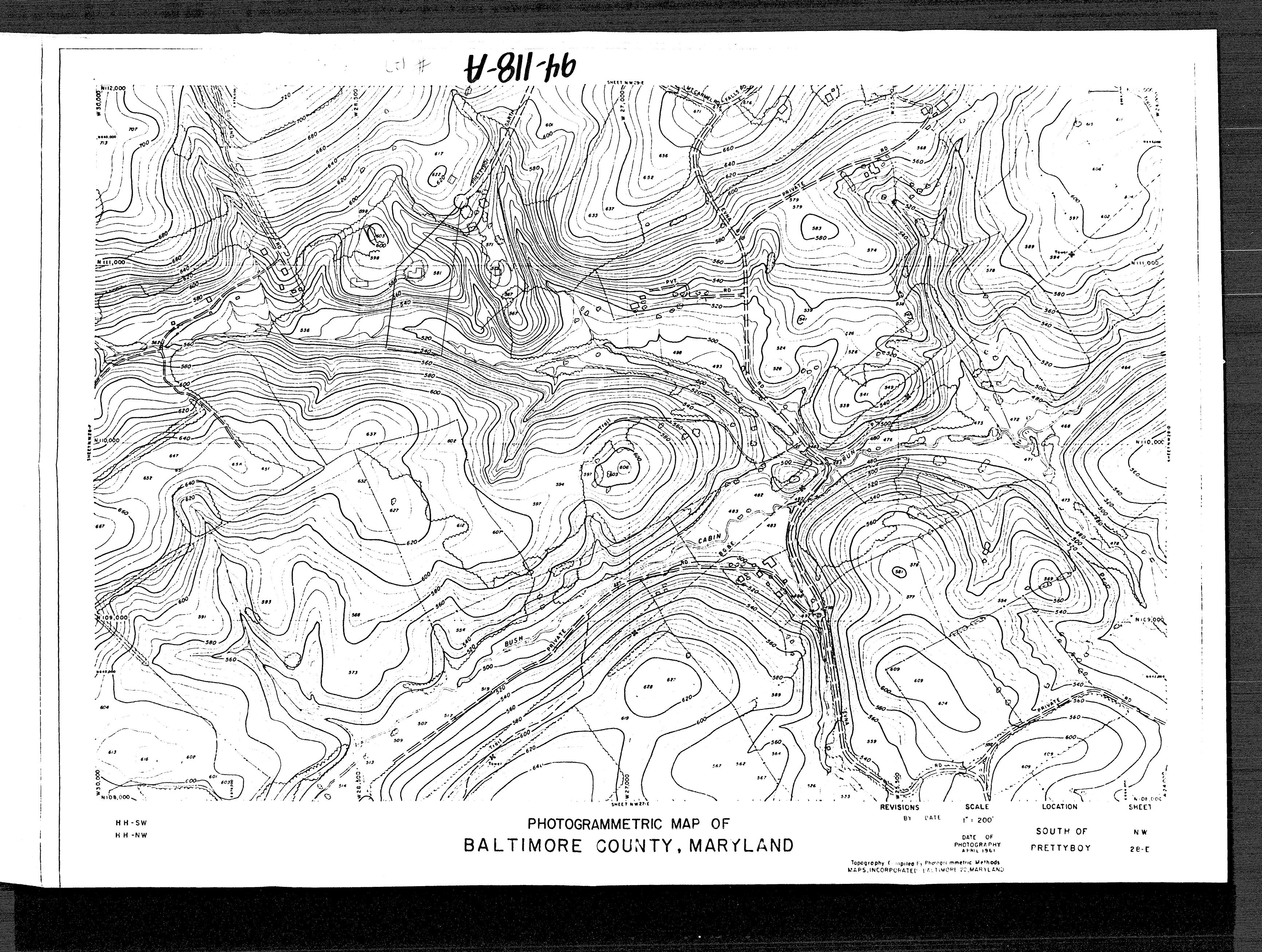
This certifies that I have no objections to the placement, size, or design of the combination car-port/shed as planned for placement on the property at 13 Prettyboy Garth. I understand that the structure will be approximately 16' for the property line between the respective properties.

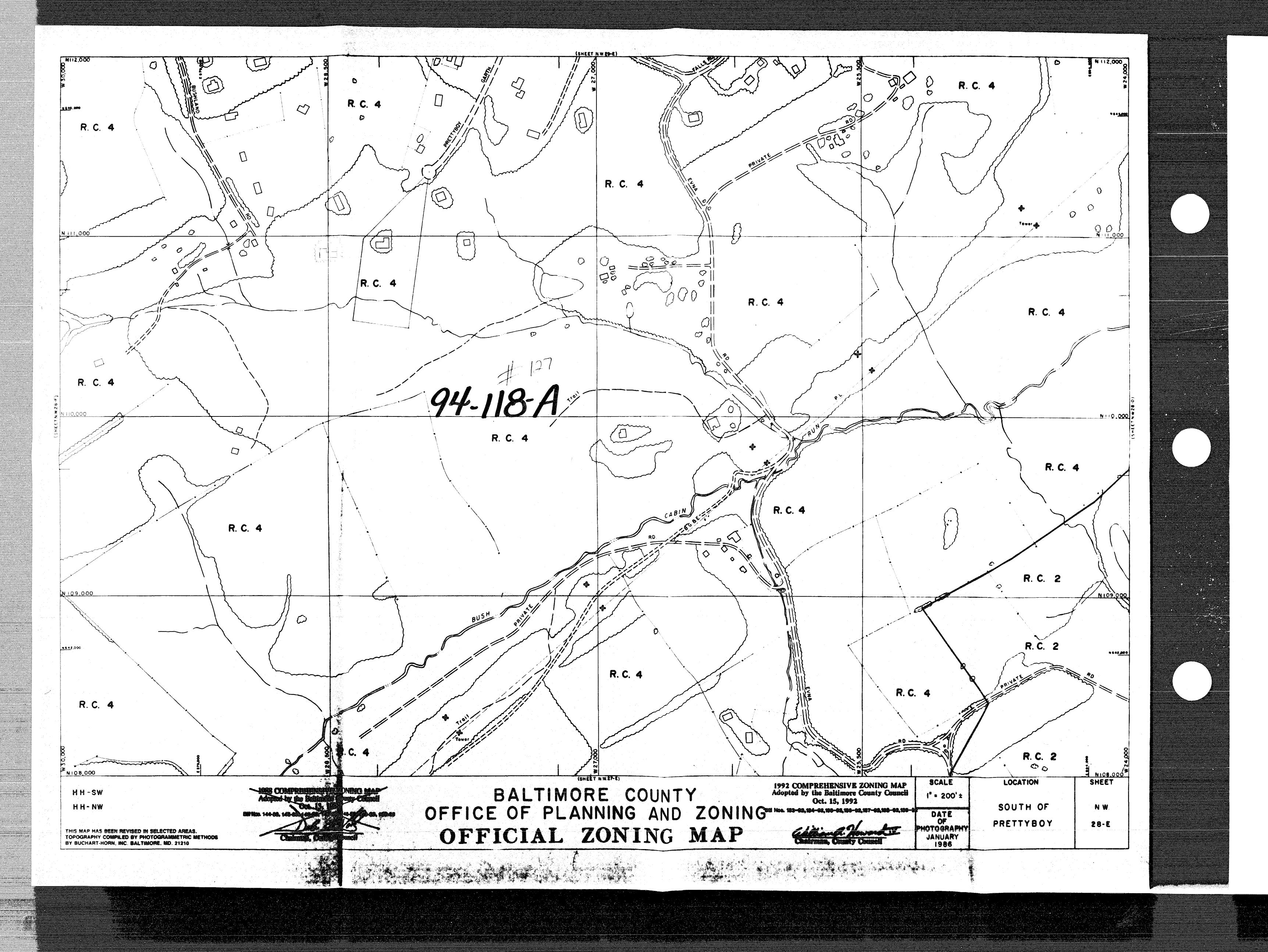
14 Prettyboy Garth Parkton, MD 211202











BALTIMORE COUNTY

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SOUTH OF PRETTYBOY JANUARY 1986

LICITAL O